



DKT. 30436.30USD1 SBA/RDG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter S. Linsley, et al.

Serial No.: 09/454,651

Examiner: P. Gambel, Ph.D.

Filed: December 6, 1999

Group Art Unit: 1644

Title: CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES
THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Dear Sir:

Petitioner, the Bristol-Myers Squibb Company, a corporation organized and existing under the laws of the State of New Jersey and having its primary place of business at P.O. Box 4000, Lawrenceville-Princeton Road, Princeton, new Jersey 08453-4000, in the county of Mercer, represents that it is the owner of the entire right, title and interest in the following U.S. Patent:

U.S. Serial No. 07/722,101, filed June 27, 1991, now U.S. Patent No. 6,641,809, issued on November 4, 2003, and entitled "METHOD OF REGULATING CELLULAR PROCESSES MEDIATED BY B7 AND CD28", at Reel 7169, Frame 0094 (Exhibit 1A-recorded assignment).

Attached herewith is a corresponding Certificate under 37 C.F.R. § 3.73(b) establishing the Bristol-Myers Squibb Company's right as assignee to take action (Exhibit 2).

Petitioner, the Bristol-Myers Squibb Company, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patents:

U.S. Patent No. 6,641,809, issued November 4, 2003

and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,641,809, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

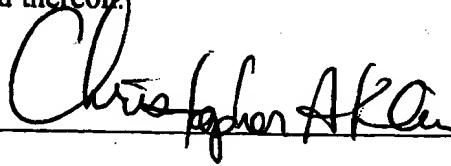
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,641,809, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

March 12, 2004

Christopher A. Klein
Senior Counsel
Biotechnology Patents
Bristol-Myers Squibb Company
P.O. Box 4000
Lawrenceville-Princeton road
Princeton, NJ 08453-4000

THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, 2004,
this terminal disclaimer is accepted. The period of patent to lapse specified above has
been accepted as equivalent to _____ months.

Petitions Examiner